

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**IN RE: COLUMBIA UNIVERSITY  
PATENT LITIGATION**

**MDL NO. 1592**

**IMMUNEX CORPORATION, a  
Washington Corporation and  
AMGEN INC., a Delaware Corporation,**

**CIVIL ACTION NO.: 04-10740-MLW**

**C. D. Cal. No. CV 03-4349 MRP (CW<sub>x</sub>)**

**Plaintiffs,**

**Judge Mark L. Wolf**

**vs.**

**THE TRUSTEES OF COLUMBIA  
UNIVERSITY in the City of New York, a  
New York Corporation,**

**Defendant.**

**AND RELATED COUNTERCLAIM.**

**ASSENTED TO MOTION FOR LEAVE TO FILE A REPLY MEMORANDUM IN  
SUPPORT OF MOTION OF PLAINTIFFS  
AMGEN INC. AND IMMUNEX CORPORATION  
TO CONSOLIDATE ACTION NO. 04-12626 MLW WITH THIS PROCEEDING**

Pursuant to Local Rule 7.1(B)(3), the undersigned plaintiffs hereby request leave of the Court to file a Reply Memorandum in Support of Plaintiffs' Motion to Consolidate, in the form attached hereto as Exhibit A. As grounds for this Motion, the undersigned plaintiffs state that their Reply is necessary to address and respond to issues raised in Columbia's Opposition and will be helpful to the Court in resolving the pending Motion to Consolidate. Specifically, Amgen's Reply Memorandum addresses Columbia's argument that the Court lacks authority to order any consolidation. In addition, Columbia has assented to the filing of the Reply.

Dated: February 11, 2005.

Respectfully submitted,

IMMUNEX CORPORATION, a Washington  
Corporation and AMGEN INC., a Delaware  
Corporation  
By their attorneys,

/s/ Eileen M. Herlihy  
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L.R. 7.1 Certification

Pursuant to Local Rule 7.1(A)(2), the undersigned certifies that on February 9, 2005, Kirke Hasson, counsel for Plaintiffs conferred with counsel for Columbia University on this motion and that counsel for Columbia assented to this Reply.

/s/ Kirke M. Hasson